

REMARKS

Claims 1-44 remain in this application.

Section 112 rejection of claims 3, 14, 25 and 36

Claims 3, 14, 25 and 36 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims recite "wherein the incentive term is increased periodically". The specification fails to recite that the incentive term is increased "periodically". The Examiner stated that he is unclear as to the proper interpretation of the term "periodically" in light of the incentive term formula found in paragraph 27.

Applicants submit that the term "periodically" should be interpreted according to its usual and common meaning as indicating an increase of the incentive term at temporal intervals which may or may not be regular. Webster's II New Revised Universal Dictionary defines periodic as 'occurring at regular intervals' or 'taking place now and then'. In the specification in paragraph 27, the AGE_RATE is defined as a rate of increase for the incentive term. The rate of increase need not be a constant but merely implies a positive change of the incentive term per temporal interval. In paragraph 18, the specification states that "-- the value of the incentive term begins at zero, remains zero for some number of queue sorts (which are performed before a command is selected for execution), and then increases continuously for some number of queue sorts or

indefinitely." In paragraph 46, the specification states "-- The AGE_RATE and AGE_DELAY are set to control how fast the incentive term increases and how many incentive cycles to delay before the incentive term is increased." The referenced statements in paragraphs 27, 18 and 46 are submitted as providing support for the limitation "-- wherein the incentive term is increased periodically." recited in claims 3, 14, 25 and 36. Applicants believe that when the term "periodically is interpreted according to its usual and common meaning as defined in Webster's Dictionary, claims 3, 14, 25, and 36 fully comply with the enablement requirement of 35 U.S.C. 112, first paragraph. Therefore, the Examiner is respectfully requested to withdraw the rejection with respect to claims 3, 14, 25 and 36.

Section 112 rejection of claims 4, 6, 15, 17, 26, 28, 37 and 39

Claims 4, 6, 15, 17, 26, 28, 37 and 39 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Examiner states that there is insufficient antecedent basis for the limitation "the command" in line 2 of claims 4, 15 and 37 and in lines 2-3 of claim 26. "The Examiner further stated that it is unclear whether the phrase "the command" corresponds to "a next command" as found in parent claims 1, 12, 23 and 34.

Applicants submit that the antecedent basis for "the command" in claims 4, 15, 26 and 37 is the phrase "one or more commands" in line 2 of claims 1, 12 and 34 and in line 3 of claim 23. The parent claims recite "-- queuing one or more commands --", and the dependent claims recite,

in relevant part, the limitation "-- while the command is queued." which has clear antecedent basis to the "one or more commands" subject to the queuing recited in the parent claims.

Applicants believe that claims 4, 15, 26 and 37 fully comply with the requirements of 35 U.S.C. 112, second paragraph. Therefore the Examiner is respectfully requested to withdraw the rejection with respect to claims 4, 15, 26 and 37.

In claims 6, 17, 28 and 39, the Examiner stated that there is insufficient antecedent basis for the limitation "where ... n is a selection cycle number, and N(q) is the selection cycle number when the q(th) command was queued". Claims 6, 17, 28 and 39 have been amended to delete the limitations:

"-- n is a selection cycle number, and

N(q) is the selection cycle number when the q(th) command was queued."

Therefore, the Examiner is respectfully requested to withdraw the rejection with respect to claims 6, 17, 28 and 39.

Allowable subject matter

Claims 1, 2, 5, 7-13, 18-24, 27, 29-35, 38 and 40-44 stand allowed. Applicant's thank the Examiner for allowance of these claims.

The other documents cited by the Examiner, but not applied to the claims currently in the application, have been reviewed and do not teach or suggest Applicants' claimed invention.

In view of the preceding amendments and remarks, Applicants believe that all the grounds for objection and rejection have been overcome and the pending claims are in condition for allowance and such action is respectfully requested.

Respectfully Submitted,



William D. Gill (#44,124)
Agent for Applicants
IBM Corporation
Intellectual Property Law
5600 Cottle Road (L2PA/010)
San Jose, CA 95193
(408) 256-2821